

The Honorable THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PACIFIC BELLS, LLC; BRUNSWIKST, LLC; and WOW DISTRIBUTING, INC., in their own and on behalf of similarly situated employers,

and

MELISSA JOHNSTON; LENA MADDEN; JUDI CHAPMAN; KATHERINE SOLAN; JOHN EDMUNDSON; and MIKE LINDBO, individuals on their own behalf and on behalf of similarly situated employees.

### Class Plaintiffs,

V.

JAY INSLEE, in his capacity as Governor of the State of Washington; CAMI FEEK, in her capacity as the Commissioner and Chief Executive Officer of the Washington Employment Security Department; DONALD CLINTSMAN, in his capacity as the Acting Secretary of the Washington Department of Social and Health Services; and THE LONG-TERM SERVICES AND SUPPORTS TRUST FUND, an employee benefit plan.

## Defendants.

NOTICE OF SUPPLEMENTAL  
AUTHORITY IN SUPPORT OF MOTION  
TO DISMISS  
NO. 21-CV-01515-TSZ

ATTORNEY GENERAL OF WASHINGTON  
7141 Cleanwater Dr SW  
PO Box 40124  
Olympia, WA 98504-0124  
(360) 586-6565

1 Pursuant to Local Civil Rule 7(n), Defendants respectfully submit this Notice of  
2 Supplemental Authority in support of its Motion to Dismiss (Dkt. #17), particularly applicable  
3 to Sections II.C and IV.A of such motion at pages 5-6 and 8-12.

4 1. Long-Term Services and Supports Trust Program—Delay and Qualified Individuals,  
5 Wash. Laws of 2022, ch. 1 (delaying the collection of WA Cares premiums to  
6 July 1, 2023 and making other changes to the program) (effective January 27, 2022);<sup>1</sup>  
7 2. Long-Term Services and Supports Trust Program—Voluntary Exemptions, Wash. Laws  
8 of 2022, ch. 2 (making certain changes to the WA Cares program) (effective  
9 June 9, 2022).<sup>2</sup>

10 DATED this 31st day of January, 2022.

11 ROBERT W. FERGUSON  
12 Attorney General

13 *s/ William McGinty*  
14 WILLIAM MCGINTY, WSBA NO. 41868  
15 JACOB DISHION, WSBA NO. 46578  
16 *Assistant Attorneys General*  
17 DANIEL J. JUDGE, WSBA NO. 17392  
18 *Senior Counsel*

19 *Attorneys for Defendants*

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25 <sup>1</sup> Available at <https://lawfilesext.leg.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/1732-S.SL.pdf?q=20220128103929>.

26 <sup>2</sup> Available at <https://lawfilesext.leg.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/1733-S.SL.pdf?q=20220128104237>.

## **CERTIFICATE OF SERVICE**

I certify that on the date indicated below, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

Richard J. Birmingham      richardbirmingham@dwt.com  
Christine Hawkins      christinehawkins@dtw.com  
Wm. Brent Hamilton Jr.      brenthamilton@dwt.com

I certify under the penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

EXECUTED this 31st day of January, 2022, at Olympia, Washington.

s/ William McGinty  
WILLIAM MCGINTY  
Assistant Attorney General